A LAW TO SMASH

By the Sherman Act of 1890, Seizure of Its Property Regarded as Most Effective.

Employment of Less Summary Measures Would Give the Monopoly the Delay It Wants.

SPEEDY TEST OF THE CASE NEEDED.

Mayor Wurster Declares That It Is the Duty of the Government to Pursue the Combine Relentlessly and Protest the People's Rights.

The statement of United States District Attorney Wallace Macfarlane that if it is possible to reach the coal combination by Federal statute must be by the Sherman act of 1800 has called particular attention to section 6 of that law. The section provides that coal in transit from one State to another, owned in violation of the provisions of the act, may be seized and con-demned by like proceedings as those provided for the seizure of property imported into the United States contrary to law.

It is argued by those familiar with the ways of combinations such as the coal monopoly that If the Government intends to take steps against the deal the most effective way would be by selzing the coal in transit. It would bring the Issue to the test quickly, whereas proceedings in court to prevent shipping would be tedious, and while pending the combine could go on

victimizing the public.

WOULD FIGHT FOR DELAY.

The seizure of coal in transit would be a novel proceeding, of course, but it is the opinion of lawyers that if any part of the Sherman act is constitutional the section providing for seizure is also. The coal combine would probably fight the entire act on constitutional grounds if proceedings were begun, and they could thus delay matters. If coal was seized the claim would be made, of course, that the railroads have nothing to do with the combine, but that the agreement was made by the producers. This would place the burden of proof on the Government to show that the producers and coal companies are identical, and that the Sales Agents' Association which regulates the output and prices, is

a part of the big system.

Of the roads carrying coal to New York on which seizures might be made, the Reading does the largest business. It carried last year between 9,665,000 and 10,000,000 tons. Under the new agreement and the mandate of the coal sales agents the road will carry 625,000 tons during February. The tying up of a small portion of this by Government seizure would naturally bring matters to a crisis and a lively tussic in the courts would follow.

The Lehigh Valley comes next in im portance as a coal carrying road. The percentage of the entire output allotted to it is 15.65, which is a decrease of over 16 under the ratio of 1895. Under the agreement it will therefore carry 391,250 tons

during February. BY ORDER OF THE COMBINE.

The coal produced by both the Pennsyl vania Railroad and the Pennsylvania Coul Company comes over the Pennsylvania lines, which makes a total percentage of hardship and an outrage. In all similar attempts it has been the consumer who last of the Lehigh has suffered and I presume it will be the lower and I presume it will be the last suffered and I presume it will be the lower and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be the last suffered and I presume it will be a last suffe

	Average	New
	5 years.	p'ctage.
Rending	20.20	20.50
Lehigh Valley		15.65
Jorsey Central		11.70
Lackawanna	14.20	13.35
Delaware & Hudson	9.40	9.60
Penn. R. R	12.10	11.40
Penn. Coal	4.10	4.00
Erle	3.30	4.00
Ontario & Western	2.60	3.10
Coxe Bros	3.00	3.50
Suaquebanna	2.70	8.20
AFRAID TO GO I	URTHER	

It was reported yesterday that the sales in its results. agents had contemplated making even a greater reduction in the output than they mines, and the consequent enforceed idled, but that a warning to the effect that ness of hundreds of honest workingmen is miners out of work there would have been found to take in this agreement and its a demand at once for State interference. As it is, however, the coal monopolists hope that the Keystone State officials will The Clinton Yacht Club, of Clinton,

may be increased.

A 252

It is probable that the new combine will be brought to the attention of the Attorney General of New York, but no conclusion has been reached as to the statute under which it could be attacked. When the Meller's combination was formed the Meller's combination was formed the Meller's combination was formed the the McLeod combination was formed the Mayor Strong Would Like More. mittee, and sessions were held at the Murray Hill Hotel. Mr. McLeod appeared there several times to give testimony, but J. Plerpont Morgan got in ahead of the legislators in blocking McLeod's game. It is argued that there is just as good a field for the investigation of the present combine as there was of the one formed by Mr. McLeod.

McLeod.

Strong acknowledging received a letter from Mayor Strong acknowledging the receipt of affidavits concerning alleged attempts of reform officials concerning alleged

GREATER NEW YORK'S IMPORT. MACKAY'S BODY ARRIVES, RAINES

THE COAL COMBINE, Views of Assemblyman Wells, of the Lexow Committee, on La Touraine Brought the Re- His Excise Bill v Consolidation—Brooklyn's Fear of Losing Her Ideentity He Regards as a Bugaboo.

To the Editor of the Journal:

The Legislative Committee to report on the various Greater New York bills now pending before the Legislature has completed its labors so far as hearings are concerned, and I presume that its report will be submitted within the next week or so. There can be no doubt but that this question is one of the most momentous that has been brought to the consideration of a New York Legislature in many years, and I am sure that every member of the committee feels the responsibility placed upon him.

When I was appointed to this committee I was in no way familiar with the question. All I knew was what I had read in the newspaper press, but after I had attended the first hearing in Albany I saw how important a measure it was, and how sternly it demanded the most earnest and conscientious consideration of the committee. Since that first meeting in Albany we have held two meetings in Brooklyn and one in New York, and I think that the situation by this time is fairly clear to us. Being only one of nine members of the committee, I do not feel that I have any right to speak for that committee, or to even attempt to outline its probable course. I can, however, with propriety, I believe, state some of the impressions which I have formed.

In the first place, the committee has proceeded on what I may call a strictly non-partisan basis. Politics has been carefully eliminated from the testimony submitted and the arguments advanced. While the political complexion of the committee is decidedly Republican, I do not think a single member has ever even speculated as to the political faith of any one of his fellow-committeemen while considering this question. There is one Democrat on the committee who opposes consolidation, and one who favors it, and the same is true of two of the Republican members whom I have in mind.

After listening to the arguments of the opponents of consolidation I have come to the conclusion that the cause of this opposition on the part of Brooklyn citizens is the fear that their city will lose its identity -be swallowed up, so to speak, by New York. This strikes me as being a bugaboo. The advocates of consolidation advance a more solid argument, it seems to me. The president of a large Brooklyn corporation told the committee that consolidation would be the salvation of Brooklyn. He said that Brooklyn could float but \$3,000,000 more in bonds under the new Constitution, as the assessed valuation of her real estate is 80 per cent, while that of New York is but 50 per cent. He said it would cost \$12,000,000 to build the new bridge, for instance, and Brooklyn can only command \$3,000,000.

The Loyal League of Brooklyn has been very active in this struggle, and has frightened a good many up-State Republicans. I am one of that ilk, but I am not frightened. Many up-State Republicans live in constant dread of Tammany, and the Loyal League has told them that a Greater New York meant absolute Tammany control below the Harlem. This seems absurd to me. The voting lists of Brooklyn, Long Island City and Richmond County will grow much more rapidly, proportionately, than will New York's list, from the fact that each is more nearly a place of residences than is New York, while the inter-

ests of one and all are allied to the metropolis. I believe Brooklyn will be quite capable of taking care of herself in any event. Speaking as an up-State man, I can say that I see no reason why there should be the slightest jealousy felt north of the Harlem regarding this contemplated Greater New York. On the contrary, we should all feel sentimental pride, rather than envy, in seeing New York one of the greatest cities in the world. In so brief a resume of what I have heard during the course of the various hearings, I cannot pretend to do justicé to the able arguments made by both advocates and opponents of the measure; nor can I pretend to say whether Senator Lexow's consolidation bill, or Senator Brush's re-submission bill, will be reported to the Legislature. All I know is what my own EDWIN N. WELLS.

Member of Assembly from Syracuse.

it comes the vessel may be floated with the high tide at 11 o'clock.

AMUSEMENT NOTES.

15.40, nearly equal to that of the Lehigh Valley.

The Jersey Central's percentage is 11.70, which limits the amount of coal it will carry in February to 202,500 tons. The Lackawanna will carry a few thousand tons less.

The Erie's percentage is 4.00, limiting the amount it can carry this month to 100,000 tons. The Ontario & Western's all leavest in this coal combine I do not believe there is any possibility of such a result.

lotment is a little less, its percentage being 3.10, and that of the Susquehanna Wurster, "that the restriction of the coal Wurster, "that the restriction of the coal that they would run excursion trains to the though all the lotment is a little less, its percentage be-

From this it will be seen that the prime facturer's neck, and it is a constant strugmovers of the combine sought to establish gie for him to keep his head above water. t it on a firm basis by making provisions so A concerted and sustained increase of that the little fellows would not get dis-satisfied and begin shipping coal on the quiet. price will make itself felt immediately in the manufacturing districts of the East, and cannot but be extremely disastrous

Pennsylvania State officials might object another evil that will result from this prevented them from doing so. If the combine had thrown practically all of the hope that some arm of the law will be

hope that the Keystone State officials was be fooled by the promise that when prices are advanced miners will be given more pay and that therefore no steps to crush the combine will be taken. If the miners object too vigorously the output for March the Ethelwynnn in the trial races for the combine will be taken.

Legislature appointed an investigating com- Secretary Manchester, of the County Committee, and sessions were held at the Mur. mittee, yesterday received a letter from Mayor

urch of the Ascension in Kent street, Green-Mr. McLeod.

MAYOR WURSTER'S VIEWS.

The Mayor of Brooklyn sald yesterday:

The Mayor of Brooklyn sald yesterday:

The this combination does increase the look in the congregation is said spears and access to have fullen on greatly.

mains of the Millionaire's Eldest Son.

Mr. and Mrs. Mackay, Their Son Problem Now Is How to Guard Clarence, and Two Secretaries Were in the Party.

BODY IN THE SHIP'S CHAPEL. PLATT LOOKED OVER THE MEASURE.

Two French Undertakers Were in Charge. Father Ducey at the Service in Greenwood, Where the Body May Rest.

John W. Mackay and members of his John W. Mackay and members of his family arrived from Paris yesterday on La Thomas C. Platt and his good men and true from Albany did excise duty yester. John W. Mackay, Jr., who was thrown from a horse and killed while at his country seat, not far from the French capital. In the party that came from Europe to attend the funeral here were Mrs. Mackey, mother of the deceased; Clarence Mackay, a ments discussed may be adopted the greater part of the day, and the amendance of the deceased; Clarence Mackay, a ments discussed may be adopted the greater part of the day. Malle L. Brackman controlls readered. of the deceased; Clarence Mackay, a ments discussed may be adopted this week, for it is the plan to devote all energy at the capital to the passage of the measure.

Marie L. Brackman, contraito, rendered Rossini's "Non Piu Mesto" with great effect and John W. Mackay, Jr., Messrs. Lynch and Farman.

for the coffin to rest on. Flowers were kept on the bier during the voyage. A unique of the Assembly; Senator Hobart Krum, of feature was the constant presence of a Scholarle; Chairman Hackett, of the State French undertaker's man. Two of these Committee, and "Lou" Payn.

party. Henry Rosener, a close friend of the family, was there with his wife. Mrs. Rosener is a daughter of John Rosenfeld, the pioneer coal merchant of California, and has long been one of Mrs. Mackay's dewrest acquaintances. Mrs. Rosener made the trip across the continent to be here when the body arrived. George G. Ward and Dr. William Ryan were others that waited for the Mackay party.

It was determined to take the body from the ship directly to the receiving vanit in Greenwood. Saliors carried the body down the gangplank, under the direction of the uniformed French undertakers. It was then moved in an undertakers. And thence to the Brooklyn cemetery.

An hour later the entire party were directly on the solid plants over the ferry, and thence to the Brooklyn cemetery.

An hour later the entire party were directly on the solid plants over the ferry and thence to the Brooklyn cemetery.

An hour later the directly on the party were directly on the solid plants over the ferry and thence to the Brooklyn cemetery.

An hour later the dentire party were directly on the solid plants of the ferry and the converted of a felony inclinately seen sent for.

SERVICE AT GREENWOOD.

SERVICE AT GREENWOOD. coffin in the little chapel next to the vault. The service was strictly private.

Mr. and Mrs. Mackay and the others who had been in the steamer party went to the Buckingham Hotel after the service. It has not been definitely decided where or when the body will be finally interred, but a decision will be arrived at within a day or two. Mr. Mackay purchased a plot in Greenwood immediately after he received the sad telegram announcing his son's death.

The ocean trip was rather a rough one and Mrs. Mackay was quite ill all of the time. She will not attempt to return to France until her health materially im-

through all the four rounds with a clear score, and captured first prize, John Mor-

FIRST ROUND.

Handicaps,
Watson, 0; R, P and two moves,
Tabing, 0; R, P and move. nuveries, 1; facing, 0; 8; F and move, inlay, 1; Berrett, 0; even, ohns, 1; Swaffield, 0; P and two moves, forphy, 1; Chinnock, 0; P and move, urray, 0; Pasenni, 1; Knight, ow, 1; Ulrich, 0; even, farshall, 1; Hausletter, 0; P, move and draw, SECOND ROUND.

THIRD ROUND.

Delmar, 1; Dow, 0; R, P move and draw.
Helms, 0; Morphy, 1; draw,
FOURTH ROUND.
Delmar, 1; Morphy, 0; P and move.
The first mentioned players of each pair conceded the odds. HODGES TACKLED SIXTEEN AND WON. Ex-United States champion A. B. Hodges played simultaneously against sixteen mem-

Pable. Players.	Open's.	Results
1Goodman	Ruy Lopez.	
2. Newman	Gluoco piat	10
4 - Appel	ALUS LODEZ.	
D. Greenbaum	TRIBOCO DINI	io draw
G. Goldinger	King's gam	bit dec'd
7. Goldman	Aing a gam	bit dec'd
8. Borsody	, Flenna ope	ning
9. Schoenbaum	Huy Lopez	*********
10. Hammond 11. Elgel 12. Berg 13. Lerner	Petroff	
11. Elgel	Phillidor	
12. Berg	Huy Lopez	**********
13. Lerner	Petron	
14. Horwitz 15. Winter	King's gam	bit dec'd
15. Winter	King a gam	bit dec'd
16. Martin	Ruy Lopez.	*********
Total result: Hodge	es won 9, lost 6	and drew 1

Dr. William I. McLaughlin, chief in-spector of meat in the Sixth Street Abatspector of meat in the Sixth Street Abattoir, Jersey City, who died on Friday last, at his mother's home, No. 158 Waverley place, New York, from tuberculosis contracted while examining beef, will be buried from there at 10 a, m. to-day. Dr. McLaughlin was inoculated with tuberculosis about three months ago, but continued to work until about two weeks ago. Physicians were unable to check the progress of the disease. He leaves a child.

Truce Between Warring Roads. All was quiet at the Point of Rocks, Jersey City, yesterday, the threatened war are still in readiness in case of

Barber Fined for Keeping Open.

to Meet Some o ponents' Views.

Cities from a Big Loss of Revenue.

Legislators Held an Audience with Him at the Fifth Avenue Yesterday-No Ex-Convict Will Be Eligible to Secure a License.

Thomas C. Platt and his good men and

and Farman.

The large black casket rested in the chapter of the plants were colonel Timothy E. Elistor of the purpose, a standard covered with white draperles having been constructed for the coffin to rest on. Flowers were kept mittee: Colonel ("Arshball" Excise Committee: Colonel ("Arshball" Exc

French undertaker's man. Two of these men made the journey to America for the purpose. They wore a blue dress, blue caps trimmed with white, and upon both cap and coat were the initials "I', F," in silver lettering.

ERIENDS-AT THE PIER.

Commutes, and Senator Raines has probably formulated a plan to meet the objections of the big cities to the provision in his bill which will divert half of their excise revenue to the State Treasury. Then the reduction of the matches of saloons contemplated by the and docked by 10 o'clock. Friends were bill will further decrease the revenues of walting on the wharf for the Mackay the cities, and the cities want it so amend-party. Henry Rosener, a close friend of ed that they will bear no loss. How to

which were affected by a recent decision The priest reached the vault just as the of the Court of Appeals, must wait for funeral party appeared. He spoke a few words befitting the sad occasion while the small party of mourners stood about the coffin in the little and the littl ure has the precedence of all of them.
Assemblyman Butts, the Tammany leader, has one. So has Assemblyman "Dan" Finn, of the Battery district; Assemblyman Louis Davidson, Tammanylte, of this city, and Senator Samuel Foley. The intention of the Republicans was plainly shown last week when Butts tried to have the committee discharged from a further consideration of his bill, so us to have it go into the House for consideration. His motion was defeated by a vote of 36 to 30.

Speaker Fish and Colonel Ellsworth dined with Mr. Platt after the conference, and Senator Raines returned to Albany last evening.

The above prices include the very finest grades of Imported and Domestic evening. ure has the precedence of all of them.

What are the prospects of your excise l becoming law?" he was asked. "In my judgment," he replied, "4ts those are excellent. I firmly believe that will pass both houses, in a slightly ended form. I may be in error in he. will pass both houses, in a slightly lended form. I may be in error in be-ving that it will pass, but I do not think

"How about the attitude of the Chamber LIQUOR MEN NOT UNITED.
"We are having hearings before the joint

ommittee on it. The bill is now in com-"Will not the liquor dealers' combination be able to defeat the measure?"

"The liquor men are not united on the question. It is true that a large number are opposed to it, but, on the other hand, many saloon keeps regard the bill with favor. The Wine and Snirit Gazette is for

What about the opposition of the Ex-

"LA DAMNATION DE FAUST." Berlioz's Legend Sung at the Metropolitan Opera House.

Opera House last night to an audience Examine our stock of furniture, which filled the big house to overflowing. Mme. Nordica had been announced to sing duced prices, to make room for new the part of Marguerite, but was unable to appear, and her place was taken by Mme. Clementine De Vere Saplo. M. Dubert was Faust, M. Castlemary, Brander, and M. Piancen, Mephisto.

The programme was divided into four parts, representing the various stages of 104.

PERSONAL.

OLYMPIA SUNL Josephine Turner and Vocal Soloists.

The tenth Scheel concert drea

DIRECT TO THE WEARER AT STRICTLY WHOLESALE PRICES.

S.N.Wom&Co. WHOLESALE TAILORS KETAILINGATWHOLESALE CORASTOR ONE BLOCK FROM BROADWAY



ARE PATTERN PARAGONS.

A rosy, gorgeous carpet, such as we have in exerts its influence on the occupant, and is the direct cause of many a contented hour. Such is the influence of an inanimata object. a minimum of cost. We are holding the manu- GRAND

the first leaves of the Progressive Chess Club, of this e was a year the city, on Saturday evening. After four hours of play the single player had a score of agames won, 6 lost and 1 drawn.

The summary of the play:

Opera House.

General Guerral Contracts, made when laborated and wool were at the lowest cost known for and wool were at the lowest cost known for and wool were at the lowest cost known for any contracts are fast giving out, so our prices, too, must soon go up.

CASH OR CREDIT (OWPERTHWAIT & O.

NEAR 6TH AV. Brecklyn Steres: Flatbush Av. near Fulion St.

NO MONEY DOWN IF YOU SATISFY US YOU ARE THE RIGHT PARTY.
We have on exhibition in one of our show windows a Completely Furnished Four-Room Flat, at

\$100.00.

And in our other show windows we exhibit a more Elaborately Furnished Four-Room Flat, Complete, at

\$150.00.

EVERYTHING FOR HOUSEKEEPING. FURNITURE, CARPETS, BEDDING, LAMPS, BABY CARRIAGES, OIL-CLOTHS, STOVE, PICTURES, CLOCKS, PORTIERES, CROCK-ERY, REFRIGERATORS, TINWARE AND LACE CURTAINS. We Allow the Railroad Fares Both Ways to Out-of-Town Pur-chasers WITHIN THE RADIUS OF 150 MILES FROM NEW YORK.

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8th Ave., Cor. 19th St.

OPEN SATURDAY EVENINGS UNTIL 10 O'CLOCK.

OUR NEW CATALOGUE,

EMBRACING EVERYTHING FOR HOUSEKEEPING AND QUOTING PRICES WHAT YOU CAN BUY ON CREDIT, IS NOW READY, AND ON RECEIPT OF 6 CENTS POSTAGE WE WILL MAIL YOU ONE. Special hargeins, this week in Carpets and Trugs at Cowperthwait's, 104 West 14th st. ...

FIFTH CRA GOVERNOR U.

Mile. Marthe Marthy, Cinq.
Mons. La Ruche, Paul Martis.
Pantomine, The Craggs, Marlo-b
ham Trio, Rosie Rendel, Grigin.
Living Pictures.

EVERY SATURDAY FAMILY MATINEE. BROADWAY THEATRE, Eve., S. Mat., 2

AN ARTIST'S MODEL FAMOUS BOSTONIANS. MADISON SQUARE GARDEN

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PERFORMANCE.
Noon Until II P. M. Seats 20 and 30c.

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Charles Frohman's Co., THE FATAL CARD.

STANDARD.

Even Seats 20 and 30c.

THE FATAL CARD. THEATRE. Eve., 8:15. Mat. Sat. 2:15 GARRICK THEATRE, 35th st., near Broadway, Richard Mansfeld, Lessee; Chas. Fromman, Mgr. E. M. AND JOSEPH A SOCIAL HIGHWAYMAN EMPIRE THEATRE. Mats. Wed and Sat.

EMPIRE THEATRF COMPANY. PALMER'S THEA JOHN DREW THE SQUIRE OF DAMES. GARDEN THEATRE CESS OF CHIMMIE FADDEN. AMERICAN THEATRE. Matines Sat

TO-NIGHT - - BURMAH. ICE PALACE. DAY & NIGHT.

THEATRE. H. C. MINER, Prop. BONNIE SCOTLAND. HOYT'S THEATRE, 24th st. near B'way HOYT'S A BLACK SHEEP.

STAR THEATRE, B'way & 18th st. Mata. Walter Sanford, M'g'r. Wed. 70SEPH MURPHY "KERRY GOW." MEW Broadway, 25th & Soth Sts.
IMPERIAL ENTIRE NEW VARIETY SHOW MUSIC O'GRADY'S VISIT. HALL A laugh from beginning to and HERALD SQ. THEATRE, B way & 35th ce

STUART ROBSON. COLUMBUS THEATRE. Popular prices West THE COTTON KING. THRILBY.

THE SPORTING DUCHESS.

BROOKLYN AMUSEMENTS. LEE AVENUE ACADEMY.

AGNES HERNDON IN LA BELLE MARIE, Supported by the superb company of the LEE AVENUE ACADEMY. Evenings, 515. Matiness, 2:13.

EIGHTH FIRE IN ONE BUILDING. Five Men Called Again Where Two Comrades Had Been Killed.

Fire broke out again in the New Hoofing Company, Tobias New, proprietor, No. 541 East Twentieth street, last night, and was put out after a loss of \$25.

The firemen have a drend of this building, on account of the number of fires which have taken place in it. About eight years ago it caught fire, and two firemen were killed. Three weeks ago the firemen were called. Three weeks ago in answer to three alarms, and extinguished a blaze after a hard fight. Seven or eight fires have occurred in the building during five years. The concern manufactures tar paper and roofing material, and in all the cases the fires were caused by the inflammable character of the materials used.

Run Over by His Own Cart

DEATHS.

SCHWARZ. On Sunday, February 2, 1806, Augusta, widow of Anton Schwarz. Services at her late residence, 112 Berkeley